

EXHIBIT P

From: Brad Balogh
Sent: Tuesday, June 22, 2021 5:53 PM CDT
To: Spertus, John
CC: John Pitcher; Carl Covert
Subject: RE: WK Permission Agreement for the SAQ

Yes, of course! I lead our vendor/third party relations team at Epic. I am replacing Brian Benz as he moves into a new role. I sent an invite for July 8th. Talk to you then.

Brad

From: Spertus, John <spertusj@umkc.edu>
Sent: Tuesday, June 22, 2021 5:40 PM
To: Brad Balogh <bbalogh@epic.com>
Cc: John Pitcher <jpitcher@epic.com>; Carl Covert <carlwcovert@gmail.com>
Subject: Re: WK Permission Agreement for the SAQ

External Mail. Careful of links / attachments. Submit Helpdesk if unsure.

Yes I can do that. Can you please provide me some background on your role within Epic? I hope you have a nice break.

Thanks.

John

From: Brad Balogh <bbalogh@epic.com>
Date: Tuesday, June 22, 2021 at 3:07 PM
To: Spertus John <spertusj@umkc.edu>
Cc: John Pitcher <jpitcher@epic.com>, Carl Covert <carlwcovert@gmail.com>
Subject: RE: WK Permission Agreement for the SAQ

Hi John, could you do July 8th 9:30-10:30am Central? Schedules are difficult as I think many folks are taking advantage of vaccinations and finally using time off around the 4th. I will be at the lake with family. Hope you are able to enjoy the holiday and look forward to picking up where your previous discussions left off.

Brad

From: Spertus, John <spertusj@umkc.edu>
Sent: Monday, June 21, 2021 6:13 PM
To: Carl Covert <carlwcovert@gmail.com>; Brad Balogh <bbalogh@epic.com>
Cc: John Pitcher <jpitcher@epic.com>
Subject: Re: WK Permission Agreement for the SAQ

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I would be happy to continue the discussions I had with Leah Johnson and Brian Benz. Please let me know what is a good time for you, Brad. At the time, we were discussing both the SAQ-7 and KCCQ-12. I do hope we can find a path forward.

John

From: Carl Covert <carlwcovert@gmail.com>

Date: Monday, June 21, 2021 at 6:07 PM

To: Brad Balogh <bbalogh@epic.com>

Cc: John Pitcher <jpitcher@epic.com>, Spertus John <spertusj@umkc.edu>

Subject: Re: WK Permission Agreement for the SAQ

WARNING: This message has originated from an External Source. This may be a phishing expedition that can result in unauthorized access to our IT System. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Brad

Please contact Dr. Spertus directly to set up the call. His email is spertusj@umkc.edu. He is copied on this email.

Thank you,

Carl Covert

Carl W. Covert, Jr.

Attorney at Law

2313 Lockhill-Selma

Suite 250

San Antonio, Texas 78230

Licensed State Bars of Texas and Florida

Email: carlwcovert@gmail.com

Tel: 210-493-0303

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From: Brad Balogh <bbalogh@epic.com>
Date: Monday, June 21, 2021 at 4:05 PM
To: Carl Covert <carlwcovert@gmail.com>
Cc: John Pitcher <jpitcher@epic.com>
Subject: RE: WK Permission Agreement for the SAQ

Hi Carl – we are happy to reengage with Dr. Spertus. Should I be working with you or John or both to set up a call?

Brad

From: John Pitcher <jpitcher@epic.com>
Sent: Monday, June 21, 2021 4:02 PM
To: Carl Covert <carlwcovert@gmail.com>
Cc: Brad Balogh <bbalogh@epic.com>
Subject: RE: WK Permission Agreement for the SAQ

Hi Carl,

My colleague Brad, copied here, will be reaching out to coordinate scheduling a call.

Thanks,
John

From: Carl Covert <carlwcovert@gmail.com>
Sent: Monday, June 21, 2021 2:06 PM
To: John Pitcher <jpitcher@epic.com>
Subject: Re: WK Permission Agreement for the SAQ

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Mr. Pitcher:

As I indicated on the 14th, my client is willing to reengage in the contract negotiations. When would be a good time to discuss the matter?

Carl Covert

Carl W. Covert, Jr.
Attorney at Law

2313 Lockhill-Selma
Suite 250
San Antonio, Texas 78230
Licensed State Bars of Texas and Florida

Email: carlwcovert@gmail.com

Tel: 210-493-0303

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From: Carl Covert <carlwcovert@gmail.com>
Date: Monday, June 14, 2021 at 1:16 PM
To: John Pitcher <jpitcher@epic.com>
Subject: Re: WK Permission Agreement for the SAQ

Mr. Pitcher:

I spoke with my client and he is prepared to reengage in contract negotiations. I have attached a copy of the last version that was reviewed.

Please let me know when you would like to discuss it. There are still some additional issues the my client will need to discuss.

Sincerely,

Carl

Carl W. Covert, Jr.
Attorney at Law
2313 Lockhill-Selma
Suite 250
San Antonio, Texas 78230
Licensed State Bars of Texas and Florida

Email: carlwcovert@gmail.com

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From: John Pitcher <jpitcher@epic.com>
Date: Tuesday, June 8, 2021 at 3:57 PM
To: Carl Covert <carlwcovert@gmail.com>
Subject: RE: WK Permission Agreement for the SAQ

Mr. Covert:

As my colleagues discussed with Dr. Spertus in the conversations you reference from the fall of 2019, it is no secret that Epic provides technical support to its customers to allow them to use and configure their system in a manner that promotes high-quality patient care. We expect that most third-party content/tool providers are pleased that we provide support to our customers in order for these healthcare organizations to effectively integrate their content/tools. Supporting our customers is not the equivalent of pushing out preconfigured SAQ scoring to our customers. Your anonymous source even stated that Epic does not provide the SAQ scoring, yet you have insinuated otherwise throughout our correspondence. We have no desire to police our customers to ensure they have proper third-party licenses for all of the information they may choose to utilize with their Epic system.

Finally, to respond to your email from yesterday, our license from Wolters Kluwer specifically contemplates reproduction of the SAQ in an electronic format.

I understand that our respective clients were close on reaching terms in the fall of 2019. I propose that we set up a call to reengage.

Sincerely,
John

John Pitcher
Epic | Legal
jpitcher@epic.com

From: Carl Covert <carlwcovert@gmail.com>
Sent: Monday, June 7, 2021 10:43 AM
To: John Pitcher <jpitcher@epic.com>
Subject: WK Permission Agreement for the SAQ

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SPER000028

Mr. Pitcher:

Although I haven't received a response to my email of May, 28; I thought I would let you know that we have received a copy of standard Wolters Kluwer license ("License") for use of journal materials. I have attached a copy for your information. Based on the License terms, it seems that Epic may be out of compliance with the License. For example Section 10 states that "Modifications: With the exception of text size or color, no Wolters Kluwer material is permitted to be modified or adapted without publisher approval." Clearly the adaptation of the SAQ-7 to a computer format would be outside the scope of this agreement. Additionally, if the entire article was subject to the License, use of the SAQ-7 alone would be a modification of the License.

Please review the material and my previous email and kindly provide a response.

Regards,

Carl Covert

Carl W. Covert, Jr.
Attorney at Law
2313 Lockhill-Selma
Suite 250
San Antonio, Texas 78230
Licensed State Bars of Texas and Florida

Email: carlwcovert@gmail.com

Tel: 210-493-0303

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